IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

LA.App..No. 627 of 2002()

LAR.97/1995 of SUB COURT, KASARAGOD
.....

APPELLANT: CLAIMANT A IN LAR 97/1995

K.M.MOHAMMED, S/O.ZAINUDDIN ABBAS,
P.H.C ROAD, KUMBALA P.O.,
KASARAGOD DISTRICT.

BY ADV. SRI.M.A.MANHU
ADVOCATE GENERAL

RESPONDENTS: RESPONDENT IN LAR 97/95

THE EXECUTIVE ENGINEER,
N.H. DIVISION, KANNUR.

BY GOVT.PLEADER SHRI K.V.MANOJ

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN- UL-RASHID,JJ.

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L.A. A. NO. 627 of 2002-B

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DATED THIS THE 29TH DAY OF NOVEMBER, 2007

J U D G M E N T

Kurian Joseph, J.

This appeal is filed by the appellant in L.A.R.No.97/95 on the file of the Sub Court, Kasargod. The acquisition was for the purpose of widening the National Highway, Kannur. Learned counsel for the claimant submits that the serious grievance is with regard to the valuation of the building. In respect of similarly situated buildings one K.Ramakrishna Acharya and Vittamma Alva, whose structures were acquired for the same purpose by a common award, they are given value of structures at the rate of Rs.200/= per sq.ft. whereas the amount awarded to the petitioner is only Rs.55/= per Sq.ft.

2. After having heard the learned counsel for the appellant and the learned Govt.Pleader, we are of the view that the additional materials produced by the appellant herein should be examined by the reference court with reference to the other materials and the evidence available on record, since this court will not be in a position to decide what was the justification

for the difference in value. Therefore, we set aside the judgment and decree in L.A.R.No.97/95 as far as the value of the structures is concerned and remit the matter to the court below for fresh consideration. It will be open to the parties to adduce fresh evidence. Appellants are entitled to refund of the court fee. The reference will be answered within a period of three months of first appearance. The parties will appear on 07.01.2008.

KURIAN JOSEPH, JUDGE

HARUN-UL- RASHID, JUDGE

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